

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ADVANCED ENVIRONMENTAL  
SERVICES, INC., et al.,

Plaintiffs,

VS.

CITY OF ST. LOUIS, et al.,

Defendants.

Case No. 4: 19 CV 3099 RWS


## MEMORANDUM AND ORDER

I granted plaintiffs until August 28, 2020 to file their opposition to defendant's motion for summary judgment. [38]. Plaintiffs have failed and refused to oppose summary judgment, and their time for doing so has now expired. In its motion for summary judgment, defendant suggests that, under defendant's soon to be adopted rules, plaintiffs will be entitled to seek the certification they desire even without being a member of a federally recognized tribe. However, defendant does not state when these rules are to go into effect. The Court is considering referring this case to mediation to afford the parties an opportunity to resolve this issue without continued litigation. The parties should confer by telephone to discuss the propriety of mediation, including a proposed timeline, and submit a joint memorandum outlining their positions. No additional briefing on the cross-motions for summary judgment will be due until the Court has received the memorandum regarding mediation. This memorandum shall include the date on which defendant's proposed rules are effective.

Accordingly,

**IT IS HEREBY ORDERED** that no additional briefing on the pending cross-motions for summary judgment is required pending further Order by the Court.

**IT IS FURTHER ORDERED** that plaintiffs and defendant shall submit a joint memorandum regarding mediation in compliance with this Memorandum and Order no later than **September 8, 2020**.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 1st day of September, 2020.